UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,609	08/29/2001	Jeffery C. Beman	193645.01/MFCP.145676	1937

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EXAMINER
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ART UNIT	PAPER NUMBER
3688	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/943,609	BEMAN ET AL.
	Examiner	Art Unit
	DANIEL LASTRA	3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 November 2010</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-2, 4-15, 18-24, 26-31, 33-49</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-2, 4-15, 18-24, 26-31, 33-49</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-2, 4-15, 18-24, 26-31, 33-49 have been examined. Application

09/943,609 (SYSTEM AND METHOD FOR ESTIMATING AVAILABLE PAYLOAD

INVENTORY) has a filing date 08/29/2001.

Response to Amendment

2.   In response to Non Final Rejection filed 06/22/10, the Applicant filed an

Amendment on 11/22/10, which amended claims 1, 18, 34.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

4.   Claims 1-2, 8-15, 18-24, 31, 33-43 and 49 are rejected under 35 U.S.C. 102(e)

as being anticipated by Lee (US 6,466,970) in view of Matsliach (US 6,879,994) and

further in view of Carruthers (US 2002/0128904) .

As per claims 1, 18 and 34, Lee teaches:

A method for estimating appropriate advertisement inventory the method

comprising:

utilizing a first computing process, generating a target market segment array

corresponding to each of the one or more advertisement target market segment criteria,

wherein each target market segment array includes a plurality of array elements each array element corresponding to a period of time (see col 6, lines 15-35; col 13, lines 55-67);

obtaining an advertisement request from one of a user and a content provider, the advertisement request including one or more target market data elements and the advertisement request being associated with a time (see col 6, lines 15-35);

upon determining that at least one of the one or more the target market data elements corresponds to a particular one of the one or more advertisement target market segment criteria obtained from the advertiser incrementing a numerical identifier in one or more of the plurality of array elements included in the target market segment array that corresponds to the particular one of the one or more advertisement target market segment criteria utilizing a second computing process, processing utilizing a third computing process a plurality of numerical identifiers incremented in association with the one or more target market segment arrays to determine appropriate advertisement inventory at a particular time (see col 13, lines 55-67);

wherein the first, second, third and fourth computing processes are performed by one or more computing devices (see col 6, lines 35-45).

Lee does not expressly mention obtaining one or more advertisement target market segment criteria from an advertiser for delivering at least one advertisement. However, Matsliach teaches a that it is old and well known in the promotion art to target advertisements to users based upon matching advertisers' constraints, such as age, gender, demographic with client requests such as relevant to a search query and

keeping track in a log file on how well each advertisement performed in order to determine the effectiveness of said advertisement (see col 4, line 60 – col 5, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Lee</u> would obtain advertisements' target parameters from advertisers in order to target advertisements to clients, as taught by <u>Matsliach</u> and would keep track in a log file of the performance of ad campaigns in order to determine the effectiveness of advertisements and therefore, produce reports showing detailed return of investment information.

<u>Lee</u> does not expressly mention *providing the plurality of numerical identifiers and the one or more target market segment arrays to an advertisement processing component; and determining, using a fourth computing process, an inventory of advertisements at the processing component based on the plurality of numerical identifiers and the one or more target market segment arrays.* However, <u>Carruthers</u> teaches a system that process an inventory of advertisements based upon an user being in a target group and performing some action (i.e. target segment array; see paragraph 77) and based upon a priority list in queue of ordered advertisements in an individual schedule (i.e. numerical identifier; see paragraph 76). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Lee</u> would modify in invention to process an inventory of advertisements based upon an user being in a target group and performing some action (i.e. target segment array) and based upon a priority list in queue of ordered

advertisements in an individual schedule (i.e. numerical identifier), as taught by Carruthers in order to better target ads to users.

As per claim 2, Lee does not teach:

wherein generating target market segment array corresponding to each of the one or more advertisement target market segment criteria includes:

parsing the one or more target market segment criteria in a particular order and generating the target market segment arrays in an order corresponding to the particular order of one or more advertisement target market segment criteria. However, Matsliach teaches a that it is old and well known in the promotion art to target advertisements to users based upon matching advertisers' constraints, such as age, gender, demographic with client requests such as relevant to a search query and keeping track in a log file on how well each advertisement performed in order to determine the effectiveness of said advertisement (see col 4, line 60 – col 5, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lee would obtain advertisements' target parameters from advertisers in order to target advertisements to clients, as taught by Matsliach and would keep track in a log file of the performance of ad campaigns in order to determine the effectiveness of advertisements and therefore, produce reports showing detailed return of investment information.

As per claims 8, 19 and 35, Lee teaches:

wherein the at least one advertisement is from an advertisement campaign (see col 5, lines 1-10).

As per claims 9, 20 and 36, <u>Lee</u> does not expressly teach:

wherein the one or more advertisement target market segment criteria includes user demographic information. However, the same argument made in claims 1, 18 and 34 is also made in claims 9, 20 and 36 with respect to the missing limitation.

As per claims 10, 21 and 37, <u>Lee</u> does not expressly teach:

wherein the user demographic information includes a user age. However, the same argument made in claims 1, 18 and 34 is also made in claims 10, 21 and 37 with respect to the missing limitation.

As per claims 11, 22 and 38, <u>Lee</u> does not expressly teach:

wherein the user demographic information includes a user gender. However, the same argument made in claims 1, 18 and 34 is also made in claims 11, 22 and 38 with respect to the missing limitation.

As per claims 12, 23 and 39, <u>Lee</u> does not expressly teach:

wherein the one or more advertisement target market segment criteria includes one or more keywords. However, the same argument made in claims 1, 18 and 34 is also made in claims 12, 23 and 39 with respect to the missing limitation.

As per claims 13, 24 and 40, <u>Lee</u> does not expressly teach:

wherein the one or more advertisement target market segment criteria includes an identifier of a target content provider. However, the same argument made in claims 1, 18 and 34 is also made in claims 13, 24 and 40 with respect to the missing limitation.

As per claims 14 and 42, <u>Lee</u> teaches:

wherein the numerical identifier corresponds to the time associated with the advertisement request (see col 6, lines 3-45).

As per claims 15 and 43, <u>Lee</u> teaches:

wherein each of the plurality of array elements is representative of a 1-hour time increment (see col 6, lines 30-35 "fixed period of time").

As per claim 31, <u>Lee</u> does not expressly teach:

wherein the plurality of array elements includes 168 array elements. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that because Lee's array elements monitor usage activity for a period of time (see col 6, lines 35-45; col 13,lines 55-67) that monitoring a 1 hour periods of time for 7 days would total 168 arrays of a fixed period of time of 1 hour.

As per claims 33 and 49, <u>Lee</u> teaches:

wherein the advertisement manager component is operable to generate advertisement campaign compliance data by processing the atomic market segment data (see col 5, lines 1-10).

As per claim 41, <u>Lee</u> does not teach:

a user information store operable to obtain a user identifier and provide user identifier criteria to one or more target market data elements. However, the same argument made in claims 1, 18 and 34 is also made in claim 41 with respect to the missing limitation.

5.   Claims 4-7, 26-30 and 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,466,970) in view of Matsliach (US 6,879,994) and further in view of Carruthers (US 2002/0128904) and Langheinrich (US 6,654,725).

As per claim 4, Lee fails to teach:

wherein the processing of the plurality of numerical identifiers includes applying a trend analysis. However, Langheinrich teaches a system which uses trend analysis to forecast future advertisements requests (see page col 9, lines 1-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lee, Matsliach and Carruthers would use the effectiveness of advertisements to generate business, as taught by Langheinrich in order to forecast the delivery of advertisements to said users for the purpose of optimizing said delivery.

As per claims 5-7, Lee fails to teach:

wherein the trend analysis includes a least-squared trend analysis or linear trend analysis or set theory trend analysis. However, Langheinrich teaches a system which uses trend analysis to forecast future advertisements requests (see page col 9, lines 1-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lee, Matsliach and Carruthers would use the effectiveness of advertisements to generate business, as taught by Langheinrich in order to forecast the delivery of advertisements to said users for the purpose of optimizing said delivery.

As per claims 26 and 44, Lee fails to teach:

Generate future advertisement data and advertisement request capacity data by processing the atomic market segment data. However, <u>Langheinrich</u> teaches a system, which forecast advertisements requests based upon the effectiveness of advertisements to generate business (see col 9, lines 1-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Lee</u>, <u>Matsliach</u> and <u>Carruthers</u> would use the effectiveness of advertisements to generate business, as taught by <u>Langheinrich</u> in order to forecast the delivery of advertisements to said users for the purpose of optimizing said delivery.

As per claims 27 and 45, <u>Lee</u> fails to teach:

wherein the advertisement manager component generates future inventory advertisement data by applying a forecasting method. However, <u>Langheinrich</u> teaches a system which uses trend analysis to forecast future advertisements requests (see page col 9, lines 1-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Lee</u>, <u>Matsliach</u> and <u>Carruthers</u> would use the effectiveness of advertisements to generate business, as taught by <u>Langheinrich</u> in order to forecast the delivery of advertisements to said users for the purpose of optimizing said delivery.

As per claims 28-30 and 46-48, <u>Lee</u> fails to teach:

wherein the trend analysis includes a least-squared trend analysis or linear trend analysis or set theory trend analysis. However, <u>Langheinrich</u> teaches a system which uses trend analysis to forecast future advertisements requests (see page col 9, lines 1-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the

time the application was made, to know that <u>Lee</u>, <u>Matsliach</u> and <u>Carruthers</u> would use the effectiveness of advertisements to generate business, as taught by <u>Langheinrich</u> in order to forecast the delivery of advertisements to said users for the purpose of optimizing said delivery.

Response to Arguments

6.   Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
January 24, 2011